

**PROSKAUER ROSE LLP**  
 1585 Broadway  
 New York, New York 10036-8299  
 212-969-3000  
 (Fax) 212-969-2900

**DATE: February 4, 2005 TIME: 9:51AM**

Telecopier Message From: Charles Guttman of Proskauer Rose LLP.  
 Please deliver the following pages to:

**NAME: United States Patent and Trademark Office**

**Examiner: Jermie E. Cozart; Group Art Unit: 3726**

**FAX NUMBER: 703-872-9306**

**NUMBER OF PAGES, INCLUDING THIS COVER PAGE: 2**

**COMMENTS/INSTRUCTIONS:**

Attached please find:

**Request for Continued Examination (RCE) Transmittal**

**Serial No.: 10/019,706**

**Our File No.: 20496/364**

Transmitting via Facsimile. The FAX number is (212) 969-2900. If you do not receive all of the pages, please call us back as soon as possible at (212) 969-3180.

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. POSTAL SERVICE. THANK YOU.

#### FACSIMILE TRANSMISSION CERTIFICATE

I hereby certify that this cover sheet and attached 1 sheet(s) are being facsimile transmitted to telephone number (703) 872-9306 at the Patent & Trademark Office on the date shown:

Diane Elder

Name of person signing the certification

Diane Elder 2/4/05

Signature Date

PTO/SB/30 (09-03)

**Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.**

**Request  
for  
Continued Examination (RCE)  
Transmittal**

**Address to:**  
**Mail Stop RCE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

<u>Application Number</u>	10/019,706
<u>Filing Date</u>	May 1, 2002
<u>First Named Inventor</u>	Stefan Kastner
<u>Art Unit</u>	3728
<u>Examiner Name</u>	Jennie E. Cozart
<u>Attorney Docket Number</u>	20496-364

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

I.  Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

II.  Other

b.  Enclosed

i.  Amendment/Reply      iii.  Information Disclosure Statement (IDS)

ii.  Affidavit(s)/ Declaration(s)      iv.  Other \_\_\_\_\_

## 2. Miscellaneous

a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)  
b.  Other

### **3. Fees**

**Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 16-2500

i.  RCE fee required under 37 CFR 1.17(e)

ii.  Extension of time fee (37 CFR 1.136 and 1.17)

iii.  Other any other fee required in connection with this submission

b.  Check in the amount of \$ \_\_\_\_\_ enclosed

c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Charles Guttman	Registration No. (Attorney/Agent)	29,161
Signature		Date	February 20, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office at (703) 557-3306 on the date shown below.

Name (Print/Type) Diane Elder  
Signature   
Date February 4, 2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.